

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

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Telephone: (213) 978-2100
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Reference Number: 14.4

ANTONIO R. VILLARAIGOSA
Mayor

February 22, 2013

Mr. Tom Nash
MuckRock News
2881-49392681@requests.muckrock.com

Dear Mr. Nash:

I have reviewed your request for copies of all documents, subpoenas, warrant applications, warrants issued, records or inventory seized, or evidence catalogs pertaining to an incident that occurred on August 15, 2000, at the Los Angeles Independent Media Center. Your request was forwarded to my office from the Los Angeles Police Department's (the Department) Records and Identification Division and was made pursuant to the Freedom of Information Act.

Section 551(1) of the FOIA states as follows: "For the purpose of this subchapter--- (1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency...." Section 552(f)(1) states as follows: "For purposes of this section, the term--- (1) "agency" as defined by Section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency...." As the Department is not an "authority of the Government of the United States", it is not an agency subject to the provisions of the FOIA. However, the Los Angeles Police Department (the Department) is a "local agency" subject to the provisions of the California Public Records Act (the Act), California Government Code Section 6250 et seq., which was modeled upon the FOIA. Therefore, the request set forth in your letter will be considered as one made pursuant to the Act.

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

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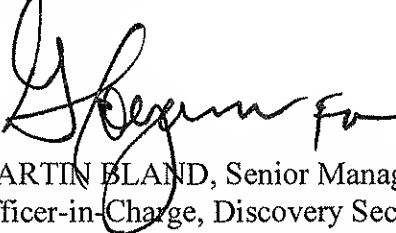
In accordance with Government Code Section 6254(f), records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. To the extent any responsive records exist, they are investigatory records themselves or properly part of an investigative file; therefore, I am denying your request.

Any correspondence concerning this matter should include a copy of this letter and be directed to the Los Angeles Police Department, Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Management Analyst Debra Green of the Discovery Section at (213) 978-2156.

Very truly yours,

CHARLIE BECK

Chief of Police

A handwritten signature in black ink, appearing to read "M. Bland", is written over the typed name and title of Martin Bland.

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division